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REMARKS/ARGUMENTS

Applicant courteously requests reconsideration by the Examiner of the rejection of claims 36 and 37 as being unpatentable over the newly cited references.

Claim 36 recites Applicant's ability to produce reports that include graphics that are associated with checkpoint data. Applicant uses the terms "graphics" and "graphical data" to describe photographs, illustrations, maps, and the like. The association of these graphics with the checkpoints makes the instant invention unique. For example, guards who are unfamiliar with checkpoint locations can use the photographs or maps within these reports to locate the checkpoints, reducing wasted time and ensuring the accurate monitoring of the proper locations. Photographs of guards associated with the guard's officer button can be used to provide positive identification of the guard for additional security. This graphics feature of the invention is disclosed on Page 23, lines 10-19, and in Fig. 10.

Claim 37 relates to an independent program that can start automatically and remain active whenever the computer is running. Its purpose is to interface with external data collection devices, download their raw data, and store that raw data in the central computer independently of software that processes, analyzes, and reports the data. There are distinct advantages to this architecture:

- (1) It allows one to segregate device monitoring, data downloading, and data storage functions from the data processing, analysis, and reporting functions. This approach eliminates the need to start the entire software package each time a device is downloaded, minimizes the use of computer resources, and allows persons without authorized access to, or knowledge of the software to download data collection devices. It keeps the data more secure and better utilizes the guards' time. Using this method the security

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of sensitive data is maintained while allowing anyone to download the portable data collection devices.

- (2) The fact that the program can start automatically and remain active whenever the computer is running means it is always ready to accept data. If the central computer is running, a guard downloading a portable data collection device need not touch the central computer to accomplish the task.
- (3) The program monitors downloaders and downloads data whenever a data collector is inserted into a downloader. It then safely stores the downloaded data in the central computer. After this occurs, the downloaded data can be processed at a later time by another program that is compatible with the data format. It is not necessary to process the data immediately.

This independent program feature is described on Page 25, line 15, to Page 26, line 3, and is illustrated in Fig. 13.

Applicant courteously contends that the invention recited in claims 36 and 37 is not anticipated by the patent to Holland, et al., No. 5,166,499. In this reference, a tour monitoring system is disclosed including a tour monitor that includes a bar code reader, an alpha numeric display, and an alphanumeric keyboard. A guard on a tour enters alphanumeric messages which are stored in combination with the scanned checkpoint codes in a log. This log is then transmitted to the programming/report generating computer for analysis. Preferably, reports are organized in terms of zones, and reports specifically highlight higher priority checkpoints which were missed. By organizing the tour into zones and check points, the tour monitor can be programmed more efficiently.

With regard to claim 36, the Examiner refers to the Holland, et al., disclosure on Tables 1-3, Figs. 14 and 15; Column 2, line 67, to Column 3, line 24; and Column 9, line 10, to Column 10, line 15.

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The cited first section of the Holland, et al., patent discusses use of their system after a tour is completed. It discusses the report generating system as receiving a log and in turn generating various reports. It describes how priorities associated with checkpoints are used in the Holland system reports. This section does not describe the association of graphics with the checkpoints. Furthermore, Applicant's system does not associate priorities with checkpoints.

The second cited section of the Holland, et al., patent describes details of its reporting system. In particular, it discusses how text messages or incidents keyed into the portable data collector by guards appear on the Holland reports. Note that Applicant's system does not rely on any keypad or display capabilities on the portable data collector. The section further discusses the system of checkpoint priorities used by Holland. Again, Applicant's system does not use checkpoint priorities. The section does not discuss graphical data such as photographs and maps. It does discuss non-graphical, text-based, statistics on the reports.

Regarding claim 37, the Examiner has cited those portions of the Holland, et al., patent from Column 1, line 57, to Column 2, line 5; and Column 3, line 45, to Column 4, line 49. The Examiner further cites Fig. 14 and Column 9, lines 4-19; Fig. 1 and Column 3, lines 55-66.

Applicant courteously contends that these cited portions of the patent do not anticipate the provision of Applicant's attendant computer readable program code means for downloading the gathered information into the data processing system independently of the computer program product.

Regarding the cited text on Column 1, line 57, to Column 2, line 5, the Holland, et al., invention makes use of a display located on the portable data collection device. This section refers to the display of messages or prompts on the data collection device that can help guide an inexperienced guard to the next zone or checkpoint on a tour. When a guard reads a given checkpoint a message associated with the next checkpoint is displayed.

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Thus, the first cited section of Hammond does not describe any independent program whose purpose is to handle external data collection devices and store their data in the central computer.

The second cited text does not describe any independent program whose purpose is to handle external data collection devices and store their data in the central computer.

Regarding Fig. 14 and the cited description of Column 9, lines 4-19, Fig. 14 is a flowchart of the Holland, et al., software. The section to which the Examiner refers describes a menu choice within the Holland software that downloads a tour record from the portable data collector. According to Holland, Column 9, lines 5-7, "The software requires a password of the user and then after monthly maintenance displays a main menu and waits for a selection." There are four basic sets of routines available to the user. One of these is the download routine.

In other words, the Holland, et al., download routine is part of another larger program, and it requires that larger program be active before the download routine can run. It is not an independent program like Applicant's program, which is running whenever the computer is running, constantly monitoring external devices. This shows that Holland, et al., does not anticipate Applicant's claim 37.

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The figures to which the Examiner refers are Holland system flow charts that show the basic operation of their system. Again, graphical data such as photographs and maps is not described. The tables referenced by the Examiner illustrate Holland system record types and tour data organization, sample logs, and reports. These do not show or infer

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data of a graphical nature such as photographs and maps. They do show non-graphical text-based statistics like number of missed checkpoints, times at which checkpoints were read, total tour time, and the like.

The Examiner has cited the disclosure of Column 3, lines 55-66. This text describes the connection of a cable between the portable data collection device and the computer when it is desired to transmit information to or from the computer. Taken together with the section previously referred to by the Examiner we have a system where, in order to download information, a person must:

- (1) Connect a cable between the computer and portable data collection device.
- (2) Manually activate software on the computer and enter a password.
- (3) Manually select the proper menu choice to transfer the data.

Applicant's system does not require the portable data collection device to have any ability to display messages. Instead, graphics such as photographs and maps are printed in various reports. The reports can be used for purposes ranging from positive identification of guards performing the tours to giving new guards a map or photograph of areas containing the checkpoints they must visit.

Applicant's system does not require that the checkpoints be read in any sequence. Instead, it requires a specified visitation frequency, such as once per hour or twice per day, be specified for each checkpoint. This allows checkpoints to be visited in a completely random order. While the Holland system does not require checkpoints within a given zone to be visited sequentially, it does require that the zones be visited in a predefined sequence. According to Holland, "In this way, the guard or other user of the tour monitor is prompted to move from one zone to the next." It should be noted that having a fixed sequence of checkpoints is considered by most to be a poor security practice, since it allows others to predict where an officer will be at any given time.

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The Holland, et al., system refers only to "messages" and not to graphical data such as photographs or maps. The patent gives a detailed description of the preferred embodiments of their invention. It should be noted that:

- (1) The requirement of a display on the portable data collection device is different than Applicant's system which requires no such display.
- (2) The specific device to which Holland, et al., refers contains a display that supports two lines of 16 characters each. It cannot display photographs.
- (3) This section also describes Holland's method of assigning different priorities to checkpoints and how the priorities are used in their system. Applicant's system does not associate priorities with checkpoints.
- (4) Holland also describes the ordering of "zones" which may in turn contain unordered checkpoints. Applicant's system does not require that the checkpoints be read in any sequence.

Similarly, the second Holland patent No. 5,399,844 fails to anticipate or render obvious Applicant's invention of claims 36 and 37. The same hardware is used in both patents. The display on the portable data collector is used to prompt the user to perform various maintenance actions based on the device being maintained. These prompts are in the form of alphanumeric text, not graphics such as photographs. This is based on the Detailed Description of the Presently Preferred Embodiments. Specifically, Column 3, lines 46-49, state that the display (item 22 in Fig. 1) "can be a liquid crystal display capable of displaying four lines of alphanumeric text, and the warning signal generator can be a sound generator".

The patent includes a table that describes specific types of alphanumeric prompts that are displayed to the user.

Flow charts shown in Figs. 4-14 describe various text prompts, responses, and messages that are displayed to an inspector. None of these figures describe the

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association of graphics with other data used by the system.

Figs. 16, 17, and 18 show various text-based prompts, expected responses to those prompts, and how the portable data collector's display and keyboard are used in combination. As noted previously, Applicant's invention does not require or use any keyboard or display functions on the portable data collector.

Fig. 19, a sample "Detail Tour Report" shows no graphical data. Col. 10, lines 44-68, describe various reports that are possible. There is no mention of graphics such as photographs being associated with the data contained in any report.

Holland's U.S. Patent No. 5,399,844 does not mention any use of graphical data. This being the case, it is obvious that the described system does not associate such graphical data with any other data in the system. This in turn shows that Holland's U.S. Patent No. 5,399,844 does not anticipate Applicant's invention of claim 36.

Holland states in Column 10, lines 44-51, that data from the portable data collector "can be downloaded into a report generating computer", but this process is not described in greater detail. The vast majority of the patent deals with how the portable data collection device is used to prompt the inspector and how an inspector can, in turn, get data into the portable data collection device. Holland's U.S. Patent No. 5,399,844 does not describe anything similar to like Applicant's invention of claim 37.

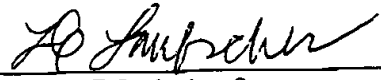
Since Applicant's claimed invention is clearly distinguishable from the teachings of the cited patents, allowance of the claims is courteously solicited.

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Favorable action is courteously solicited.

Respectfully submitted,

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